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4 *In propria persona.*

5
6 UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT ARIZONA
8 PHOENIX DIVISION
9

10 Jason Crews,

11 Plaintiff,

12 vs.

13 Travel Club Enterprises LLC dba Club

14 Travelo,

15 And

16 Alexandra Olson

17 Defendant[s].
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Case No.: 2:25-cv-00024-KML

Complaint for Violations of:

1. NEGLIGENT VIOLATIONS
OF THE TELEPHONE CONSUMER
PROTECTION ACT [47 U.S.C. §227 ET
SEQ.]

2. WILLFUL VIOLATIONS OF
THE TELEPHONE CONSUMER
PROTECTION ACT [47 U.S.C. §227 ET
SEQ.]

DEMAND FOR JURY TRIAL

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COMPLAINT- 1

COMPLAINT

Preliminary Statement

1. “When it comes to robocalls, you can only call those who, like Blondie, have said, “Call me. Call me on the line.” If you call people who haven’t opted in, then you face liability under the Telephone Communications Protection Act.” *Perrong v. Bradford*, 2024 WL 2133801, at *1 (E.D. Pa. May 13, 2024).

2. Plaintiff Jason Crews (“Plaintiff”) brings this action under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C § 227, a federal statute enacted in response to widespread public outrage about the proliferation of intrusive, nuisance calling practices. See *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 745 (2012).

3. The Defendants in this action, Travel Club Enterprises LLC and Alexandra Olson, orchestrated placing two (2) illegal telemarketing calls using an Automated Telephone Dialing System (“ATDS”) to a number assigned to a cellular service which was included on the national Do-Not-Call List.

4.Plaintiff never consented to receive such messages.

Parties

5.Plaintiff Jason Crews (“Crews”) is and was a resident of Maricopa County, Arizona at all relevant times, and a resident of this District.

6.Defendant Travel Club Enterprises LLC (“TCE”), incorporated in Delaware, doing business as Club Travelo, and is in the business of selling travel club memberships to the public.

7.Defendant Alexandra Olson (“Olson”), a resident of Maricopa County, Arizona, was at all times relevant the owner and manager of TCE who directed and authorized the illegal calls complained of herein.

Jurisdiction & Venue

8.The Court has federal question subject matter jurisdiction over these TCPA claims: *Mims v. Arrow Fin. Services, LLC*, 132 S. Ct. 740 (2012).

1 because the Plaintiff resides in this District and because the Plaintiff resides in the District
2 of Arizona when he received a substantial, if not every single phone call, from Defendants
3 TCE and Olson which is the subject matter of this lawsuit.

4 12. Venue is proper for this matter because the calls at issue were sent by or on behalf
5 of the above-named Defendants to Plaintiff, an Arizona resident.

6 **The Telephone Consumer Protection Act**

7 13. In 1991, Congress enacted the TCPA to restrict the use of sophisticated
8 telemarketing equipment that could target millions of consumers en masse. Congress found
9 that these calls were not only a nuisance and an invasion of privacy to consumers
10 specifically but were also a threat to interstate commerce generally. See S. Rep. No. 102-178,
11 at 2-3 (1991), as reprinted in 1991 U.S.C.C.A.N. 1968, 1969-71.

12 14. The TCPA makes it unlawful “to make any call (other than a call made for
13 emergency purposes or made with the prior express consent of the called party) using an
14 automatic telephone dialing system (“ATDS”) or an artificial or prerecorded voice ... to any
15 telephone number assigned to a ... cellular telephone service.” 47 U.S.C. § 227(b)(1)(A)(iii).

16 15. The TCPA makes it unlawful “to initiate any telephone call to any residential
17 telephone line using an artificial or prerecorded voice to deliver a message without the prior
18 express consent of the called party, unless the call is initiated for emergency purposes, is
19 made solely pursuant to the collection of a debt owed to or guaranteed by the United States
20 or is exempted by rule or order” of the Federal Communication Commission (“FCC”). 47
21 U.S.C. § 227(b)(1)(B). 15. The TCPA provides a private cause of action to persons who
22 receive calls in violation of § 227(b). 47 U.S.C. § 227(b)(3).

23 16. Separately, the TCPA bans telemarketing calls without a do-not-call policy
24 available upon demand. 47 U.S.C. § 227(c); 47 C.F.R. § 64.1200(d)(1).1

25 17. The TCPA provides a private cause of action to persons who receive calls in
26 violation of § 227(c) or a regulation promulgated thereunder. 47 U.S.C. § 227(c)(5).

27 18. According to findings of the FCC, the agency vested by Congress with
28 authority to issue regulations implementing the TCPA, automated or prerecorded telephone

1 calls are a greater nuisance and invasion of privacy than live solicitation calls and can be
2 costly and inconvenient.

3 19. The FCC also recognizes that “wireless customers are charged for incoming
4 calls whether they pay in advance or after the minutes are used.” *In re Rules and Regulations*
5 *Implementing the Tel. Consumer Prot. Act of 1991*, 18 FCC Rcd. 14014, 14115 ¶ 165 (2003).

6 20. The FCC requires “prior express written consent” for all autodialed or
7 prerecorded telemarketing robocalls to wireless numbers and residential lines. In
8 particular:[A] consumer’s written consent to receive telemarketing robocalls must be signed
9 and be sufficient to show that the consumer: (1) received clear and conspicuous disclosure
10 of the consequences of providing the requested consent, i.e., that the consumer will receive
11 future calls that deliver prerecorded messages by or on behalf of a specific seller; and (2)
12 having received this information, agrees unambiguously to receive such calls at a telephone
13 number the consumer designates. In addition, the written agreement must be obtained
14 without requiring, directly or indirectly, that the agreement be executed as a condition of
15 purchasing any good or service.

16 21. *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*,
17 27 FCC Rcd. 1830, 1844 ¶ 33 (2012) (footnote and internal quotation marks omitted). FCC
18 regulations “generally establish that the party on whose behalf a solicitation is made bears
19 ultimate responsibility for any violations.” *In the Matter of Rules and Regulations Implementing the*
20 *Tel. Consumer Prot. Act of 1991*, 10 FCC Rcd. 12391, 12397 ¶ 13 (1995).

21 22. The FCC confirmed this principle in 2013, when it explained that “a seller ...
22 may be held vicariously liable under federal common law principles of agency for violations
23 of either section 227(b) or section 227(c) that are committed by third-party telemarketers.”
24 *In the Matter of the Joint Petition Filed by Dish Network, LLC*, 28 FCC Rcd. 6574, 6574 ¶ 1
25 (2013).

26 23. Under the TCPA, a text message is a call. *Satterfield v. Simon & Schuster, Inc.*, 569
27 F.3d 946, 951 – 52 (9th Cir. 2009).

24. A corporate officer involved in the telemarketing at issue may be personally liable under the TCPA. E.g., *Jackson Five Star Catering, Inc. v. Beason*, Case No. 10-10010, 2013 U.S. Dist. LEXIS 159985, at *10 (E.D. Mich. Nov. 8, 2013) (“[M]any courts have held that corporate actors can be individually liable for violating the TCPA where they had direct, personal participation in or personally authorized the conduct found to have violated the statute.” (internal quotation marks omitted)); *Maryland v. Universal Elections*, 787 F. Supp. 2d 408, 415 – 16 (D. Md. 2011) (“If an individual acting on behalf of a corporation could avoid individual liability, the TCPA would lose much of its force.”).

Factual Allegations

25. To promote their services Defendants also relied on the use of ATDS systems.

26. Plaintiff had no prior business relationship with Defendants.

27. Plaintiff is a “person” as defined by 47 U.S.C. § 153(39).

28. Defendant Olson is a “person” as defined by 47 U.S.C. § 153(39).

29. Defendant TCE is a “person” as defined by 47 U.S.C. § 153(39).

30. The phone number (602) 295-XXXX (“Cell Number”) belongs to Plaintiff.

31. The Cell Number has been on the Do-Not-Call registry since November 7, 2006.

32. Despite this registration, Defendants placed the calls summarized in the following table with an Automated Telephone Dialing Systems (“ATDS”).

Date	Time	Caller ID
7/26/24	12:05 PM	(731)451-0779
11/6/24	12:34 PM	(602)903-4467
1/6/25	9:17 AM	(602)996-8364

33. The Cell Number is assigned to a cellular phone used exclusively for personal residential purposes.

34. Plaintiff did not consent to receive telephone calls via ATDS.

35. The Cell Number is not associated with a business.

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Calls to Plaintiff

36. On or about July 7, 2024, Plaintiff received a call presenting caller ID (731)451-0779.

37. Plaintiff was greeted by an individual who identified himself as Luis Martinez (“Martinez”).

38. Martinez invited Plaintiff “to be one of our guests to the Grand Open House Celebration of our newest Travel Reservation Center located here in Scottsdale, Arizona.”

39. Martinez said he was calling on behalf of Club Travelo.

40. On or about July 26, 2024, Plaintiff received a call presenting caller ID (731)451-0779.

41. Plaintiff was greeted by an individual who identified themselves as Luis Martinez (“Martinez”).

42. Martinez claimed to be calling from United Airlines and offered “guests to [attend] the Grand Open House Celebration of our newest Travel Reservation Center located here in Scottsdale, Arizona.”

43. Upon information and belief the purpose of this invitation was to further solicit Plaintiff into purchasing a membership to their “Travel Club”.

44. Martinez transferred Plaintiff to another individual who identified themselves as Camille.

45. Camille continued to pressure Plaintiff into attending “agency promotion that will happen here in in Scottsdale.”

46. Plaintiff asked Camille “So what you guys do as your travel agency, you want me to like, you're trying to get me to buy travel?” To which she replied, “yes, sir”.

47. Plaintiff asked Camille for the name of her company and she said “Preview Center”.

48. Plaintiff was unable to locate any information about “Preview Center” in Scottsdale, and asked Camille for more information.

49. Camille eventually said the name of her company was Club Travello.

1 Defendants employ[s] [ATDS] capacities to make automated calls”: *Panzarella v. Navient*
2 *Sols., Inc.*, 37 F.4th 867, 873, 878 (3d Cir. 2022). In so doing, it held that Congress intended
3 to “ban all autodialed calls” because Congress “found autodialer technology to be uniquely
4 harmful”: *Id.* at 879 (cleaned up).

5 62. In enacting the ATDS prohibition, the Third Circuit cited favorably to
6 Congressional understanding “that telemarketers could transform ordinary computers into
7 autodialers through minor and inexpensive modifications,” including by “relying on
8 computerized databases containing telephone numbers during their dialing campaigns”: *Id.*
9 at 880 (cleaned up). The Third Circuit held that, in passing the TCPA’s ATDS prohibition,
10 Congress intended to remedy the problems caused by callers using computer software to
11 dial numbers randomly or sequentially from a list or database: *Id.*

12 63. The system(s) that Defendants used to place the calls to Plaintiff is/are an
13 ATDS because it would be illogical to dial a number manually, have Plaintiff answer the
14 phone, and only then connect Plaintiff to a human being.

15 64. Audible pauses, clicks, and beeps are hallmark indicia of ATDS systems. This
16 supports the inference that Defendants used an ATDS, such as one that “use[s] a random
17 [or sequential] number generator to determine the order in which to pick phone numbers
18 from a pre-produced list”: *Facebook*, 141 S. Ct. at 1171 n.7.

19 65. Other courts have held, post-Facebook, that allegations similar to those herein
20 of the absence of a relationship between the parties, and the random nature of the
21 automation device (such as the ability to randomly generate caller ID numbers), are all
22 indicia of use of a random or sequential dialing device. This gives rise to the inference at the
23 pleadings stage that an ATDS was used to make the calls: *Camunas v. Nat’l Republican*
24 *Senatorial Comm.*, No. 21-1005, 2021 U.S. Dist. LEXIS 100125 at *11 (E.D. Pa. May 26,
25 2021).

26 66. No facts exist here to support the conclusion that Defendants was calling from
27 a curated list of his past customers. In contrast to a company that dials calls en masse to
28 multiple individuals from a list of telephone numbers (as here), a company that calls its

1 existing customers utilizing an imported customer list does not place calls using an ATDS.
2 Such calling uses a database targeting existing customers' information rather than computer-
3 generated tables or lists of individuals to be called: *Panzarella*, 37 F.4th at 881–882.

4 67. Plaintiff is ignorant of the exact process by which the system(s) used by
5 Defendants operates other than by drawing the reasonable inference and alleging that the
6 system(s) stores or produces telephone numbers randomly or possibly sequentially based on
7 the facts ascertainable from the calls Plaintiff received, as outlined above. Indeed, as at least
8 one district court explained, “The newly clarified definition of an ATDS is more relevant to
9 a summary judgment motion than at the pleading stage”: *Gross v. GG Homes, Inc.*, No. 3:21-
10 cv-00271-DMS-BGS, 2021 WL 2863623, at *7 (S.D. Cal. July 8, 2021); accord *Miles v.*
11 *Medicredit, Inc.*, No. 4:20-cv- 01186-JAR, 2021 WL 2949565 (E.D. Mo. July 14, 2021).

12 **Defendants' Conduct Was Knowing and Willing**

13 68. Defendants intentionally called Plaintiff multiple times in order to advertise
14 their services to Plaintiff.

15 69. These calls were knowingly and intentionally made in spite of Plaintiff's number
16 decades-long listing on the National Do-Not-Call List.

17 **Olson's Personal Liability**

18 70. Defendant Olson personally participated in the calls at issue because Olson
19 personally directed the calls to be transmitted throughout the United States including
20 numbers with Arizona area codes of which he knew were likely to belong to individuals,
21 such as Plaintiff, who reside there.

22 71. Olson is the principal officer of Defendant TCE.

23 72. Olson closely holds Defendant TCE and is intimately involved in all decision-
24 making and legal activities of Defendant TCE.

25 73. Olson made the decision to hire agents such as Martinez, approved of training
26 employees such as Martinez on the use of proprietary technology, and directed his
27 employees to use the technology with the intention of breaking state and federal laws.
28

1 74. Defendant Olson has direct and personal involvement in and ultimate control
2 over every aspect of Defendant TCE's wrongful conduct that violated the TCPA, and/or
3 directly controlled and authorized this conduct.

4 75. Defendant Olson at all times relevant to this Complaint acting alone or in
5 concert with others, formulated, directed, controlled, had the authority to control, or
6 participated in the acts and practices set forth in this Complaint,

7 76. There is precedent holding corporate officers personally liable when they
8 participate in the alleged actions: "If the officer directly participated in or authorized the
9 statutory violation, even though acting on behalf of the corporation, he may be personally
10 liable. See *United States v Pollution Serv. Of Oswego, Inc.*, 763 F.2d 133, 134-135 (2nd Cir.1985)
11 The "well-settled" tort rule provides that "when corporate officers directly participate in or
12 authorized the commission of a wrongful act, even if the act is done on behalf of the
13 corporation, they may be personally liable." *General Motors Acceptance Corp. v. Bates*, 954 F.2d
14 1081, 1085 (5th Cir. 1992). The Fifth Circuit has elaborated that "the thrust of the general
15 [tort] rule is that the officer to be held personally liable must have some direct, personal
16 participation in the tort, as where the defendant was the 'guiding spirit' behind the wrongful
17 conduct....or the 'central figure' in the challenged corporate activity." *Mozingo v. Correct Mfg.*
18 *Corp.*, 752 F.2d 168, 174 (5th Cir. 1985) (Citing *Escude Cruz v. Ortho Pharmaceutical Corp.*, 619
19 F. 2d 902, 907 (1st Cir.1980)) (Citing *Texas v. American Blastfax, Inc.*, 164 F. Supp. 2d 892
20 (W.D. Tex. 2001) Quoting *Texas v. American Blastfax*: The Court finds the above principles
21 applicable to the TCPA that is, an officer may be personally liable under the TCPA if he had
22 direct, personal participation in or personally authorized the conduct found to have violated
23 the statute, and was not merely tangentially involved. Individuals who directly (and here,
24 knowingly and willfully) violate the TCPA should not escape liability solely because they are
25 corporate officers. As the State persuasive argues, to hold otherwise would allow the
26 individual defendants to simply dissolve Blastfax, set-up a new shell corporation, and repeat
27 their conduct. Congress surely did not intend to permit such a result in passing the TCPA.
28 To be clear, the Court finds Greg and Michael Horne were the "guiding spirits" an the

1 “central figures” behind the TCPA violations. They were the two persons who controlled all
2 of Blastfax’s day-to-day operations. They both had direct, personal involvement in and
3 ultimate control over every aspect of Blastfax’s wrongful conduct that violate the TCPA,
4 and/or directly controlled and authorized this conduct. And they did so with their eyes and
5 pocketbooks wide open. After October 5, 2000, Greg and Michael Horne had good reason
6 to believe they were running a business that violated the TCPA. On February 9, 2001, they
7 knew they were. Yet they continued to direct their company to send unsolicited intrastate fax
8 advertisements. This is far more than a simple derivative liability case. Accordingly, the
9 Court *899 holds defendants Greg and Michael Horne are jointly and severally liable with
10 Defendant Blastfax, Inc., for all TCPA damages in this lawsuit.” *Texas v. American Blastfax,*
11 *Inc.*, 164 F. Supp. 2d 892 (W.D. Tex. 2001).

12 77. The Same Court held that corporate officers were also personally liable for
13 DTPA violations; The State contends Greg and Michael Horne are personally liable for any
14 DTPA damages because they were solely responsible for the violating conduct....For the
15 same reasons discussed in finding the individual defendants personally liable under the
16 TCPA, the Court agrees. See, e.g., *Barclay v. Johnson*, 686 S.W.2d 334, 336-37 (Tex. Civ. App.-
17 Houston [1ST Dist.] 1985, no writ) (finding personal liability for corporate officer in DTPA
18 misrepresentation claim, based on general rule that “a corporate agent knowingly
19 participating in a tortious or fraudulent act may be held individually liable, even though he
20 performed the act as an agent for the corporation.....Accordingly, the Court finds
21 defendants American Blastfax, Inc., Greg Horne and Michael Horne are jointly and severally
22 liable for \$6,000 in damages for their violations of the DTPA.” *Texas v. American Blastfax,*
23 *Inc.*, 164 F. Supp. 2d 892 (W.D. Tex. 2001).

24 78. Defendant Olson is the CEO of TCE and controls the day-to-day operations of
25 TCE and directs his employees, agents, salespersons, and solicitors to make TCPA-violating
26 phone calls.

27 79. Defendant Olson is not merely a bystander. He is the mastermind that schemed,
28 planned, directed, initiated, and controlled illegal and fraudulent behavior.

93. A defendant may be held vicariously liable for Telephone Consumer Protection Act (TCPA) violations where the plaintiff establishes an agency relationship, as defined by federal common law, between the defendant and a third-party caller. Telephone Consumer Protection Act of 1991, § 3(a), 47 U.S.C.A. § 227(b)(2). *Gomez v. Campbell-Ewald Co.*, 768 F.3d 872, 11 (9th Cir. 2014).

The TCPA Prohibits All Automated Calls to Protected Numbers

94. The TCPA makes it unlawful "to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automated telephone dialing system or an artificial or prerecorded voice ... to any telephone number assigned to a ... paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the party is charged for the call": 47 U.S.C. § 227 (b)(1)(A)(iii).

95. Congress singled out these services for special protection because Congress realized their special importance in terms of consumer privacy (as is the case with cellular phones): *Barr v. Am. Ass'n of Pol. Consultants Inc.*, 140 S. Ct. 2335, 2356, (2020) (Gorsuch, J. & Thomas, concurring in part and dissenting in part).

96. According to findings by the Federal Communications Commission ("FCC"), which is the agency Congress vested with the authority to issue regulations implementing the TCPA, such messages are prohibited because, as Congress found, automated or prerecorded messages are a greater nuisance and invasion of privacy than live ones, are costly, and are inconvenient.

97. The TCPA provides a private cause of action to persons who receive calls in violation of 47 U.S.C. § 227(b)(1)(A). 47 U.S.C. § 227(b)(1)(3).

98. These causes of action apply to users of any of four protected services (pager, cellular, specialized mobile radio [i.e., radio telephony locator beacon or dispatch system], or another radio common carrier service [i.e., ship-to-shore or air-to-ground]), or any service, including residential, VoIP, and landline services, for which the called party is charged: *Lynn, Monarch Recovery Mgmt. Inc.*, 953 F. Supp. 2d 612, 623, (D. Md. 2013).

1 99. "Non-Emergency pre-recorded voice or autodialed calls to the destinations
2 enumerated in 47 U.S.C. § 227(b)(1)(A) are permissible only with the prior express consent
3 of the called party."

4 100. U.S.C. § 227(c)(2) states, "No person or entity shall initiate any telephone
5 solicitation to ... [a] residential telephone subscriber who has registered his or her
6 telephone number on the National Do-Not-Call Registry of persons who do not wish to
7 receive telephone solicitations that is maintained by the Federal Government" and defines
8 "telephone solicitation" as "the initiation of a telephone call or message for the purpose of
9 encouraging the purchase or rental of, or investment in, property, goods, or services, which
10 is transmitted to any person...": U.S.C. § 227(f)(15).

11 101. The FCC also recognized that "wireless customers are charged for incoming
12 calls whether they pay in advance or after the minutes are used": In re Rules and
13 Regulations Implementing the Tel. Consumer Prot. Act of 1991, CG Docket No. 02-278,
14 Report and Order, 18 FCC Rcd. 14014, 14115, ¶ 165 (2003).

15 102. In 2013, the FCC required prior express written consent for all autodialed or
16 prerecorded telemarketing calls ("robocalls") to wireless numbers and residential lines.
17 Specifically, it ordered:

18 [A] Consumer's written consent to receive telemarketing robocalls must be
19 signed and be sufficient to show that the consumer: (1) received "clear and
20 conspicuous disclosure" of the consequences of providing the requested
21 consent, i.e., that the consumer will receive future calls that deliver
22 prerecorded messages by or on behalf of a specific seller; and (2) having
23 received this information, agrees unambiguously to receive such calls at a
24 telephone number the consumer designates. In addition, the written
25 agreement must be obtained "without requiring, directly or indirectly, that the
26 agreement be executed as a condition of purchasing any good or service."

27 103. *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*,
28 27 FCC Rcd. 1830, 1844 (2012) (footnotes omitted).

 104. 47 C.F.R. § 64.1200 extends 47 U.S.C. § 227 and establishes several delivery
restrictions. It states, "No person or entity may ... [e]xcept as provided ... initiate any

1 telephone call ... using an automatic telephone dialing system or an artificial or prerecorded
2 voice."

3 105.47 C.F.R. § 64.1200(a)(1) specifically protects the following: "emergency
4 telephone line," "guest room or patient room of a hospital, health care facility, elderly
5 home, or similar establishment," and/or "cellular telephone service." 47 C.F.R. §
6 64.1200(a)(2) further prohibits entities from "initiat[ing], or caus[ing] to be initiated, any
7 telephone call that includes or introduces an advertisement or constitutes telemarketing,
8 using an automatic telephone dialing system or an artificial or prerecorded voice, to any of
9 the lines or telephone numbers described... "

10 106. The National Do-Not-Call Registry allows consumers to register their telephone
11 numbers and thereby indicate their desire to not receive telephone solicitations at those
12 numbers: 47 C.F.R. § 64.1200(c)(2).

13 107. A listing on the Registry "must be honored indefinitely, or until the registration
14 is cancelled by the consumer or the telephone number is removed by the database
15 administrator": *Id.*

16 108. The TCPA and implementing regulations prohibit the initiation of telephone
17 solicitations to residential telephone subscribers whose numbers are on the Registry and
18 provide a private right of action against any entity making those calls or "on whose behalf"
19 such calls are promoted: 47 U.S.C. § 227(c)(5); 47 C.F.R. § 64.1200(c)(2).

20 109. 47 C.F.R. § 64.1200(d) states, "No person or entity shall initiate any call for
21 telemarketing purposes to a residential telephone subscriber unless such person or entity
22 has instituted procedures for maintaining a list of persons who request not to receive
23 telemarketing calls made by or on behalf of that person or entity." It goes on to establish
24 specific "minimum standards":

25 (1) "Persons or entities making calls for telemarketing purposes must have a
26 written policy, available upon demand..."

27 (2) "[P]ersonnel engaged in any aspect of telemarketing must be informed and
trained in the existence and use of the do-not-call list."

28 (3) "If a person or entity making a call for telemarketing purposes ... receives a
request ... not to receive calls from that person or entity, the person or entity

1 must record the request and place the subscriber's name ... and telephone
2 number on the do-not-call list at the time the request is made ... must honor a
3 residential subscriber's do-not-call request within a reasonable time from the
4 date such request is made."

5 (4) "A person or entity making a call for telemarketing purposes must provide
6 the called party with the name of the individual caller, the name of the person or
7 entity on whose behalf the call is being made, and a telephone number or
8 address at which the person or entity may be contacted."

9 (5) "A person or entity making calls for telemarketing purposes must maintain a
10 record of a consumer's request not to receive further telemarketing calls."

11 ///

12 Claims

13 Count One

14 110. Plaintiff incorporates the foregoing allegations as fully set forth herein.

15 111. The foregoing acts and omissions of Defendants and/or their affiliates,
16 agents, and/or other persons or entities acting on Defendants' behalf constitute violations
17 of the TCPA, 47 U.S.C. § 227, by sending calls, except for emergency purposes, to
18 Plaintiff's telephone which is assigned to a cellular telephone service using an ATDS.

19 112. As a result of their unlawful conduct, Defendants invaded Plaintiff's personal
20 privacy, causing Plaintiff to suffer damages and, under 47 U.S.C. § 227(b)(3)(B), entitling
21 him to recover \$500 in civil fines for each violation and an injunction requiring Defendants
22 to stop his illegal calling campaign.

23 113. Plaintiff is also entitled to and does seek injunctive relief prohibiting
24 Defendants and/or his affiliates, agents, and/or other persons or entities acting on
25 Defendants' behalf from violating the TCPA, 47 U.S.C. § 227, by making calls or sending
26 messages, except for emergency purposes, to any number using an artificial or prerecorded
27 voice in the future.

28 114. Plaintiff is entitled to an award up to \$1500 in damages for each knowing and
willful violations of 47 U.S.C. § 227(b)(3)(B)

115. Defendants' violations were willful and/or knowing.

Count Two

116. Plaintiff incorporates the foregoing allegations as fully set forth herein.

117. Defendants called Plaintiff's private residential telephone number, which was registered on the National Do-Not-Call Registry more than thirty-one (31) days prior to the calls, in violation of 47 U.S.C. § 227(c)(3)(F) and 47 C.F.R. § 64.1200(c)(2).

118. As a result of their unlawful conduct, Defendants invaded Plaintiff's personal privacy, causing Plaintiff to suffer damages and, under 47 U.S.C. § 227(c)(3)(F) entitling him to recover \$500 in civil fines for each violation and an injunction requiring Defendants to stop his illegal calling campaign.

119. Plaintiff is entitled to an award up to \$1500 in damages for each knowing and willful violation of 47 U.S.C. § 227(c)(3)(F).

120. Defendants' violations were willful and/or knowing.

Relief Sought

WHEREFORE, Plaintiff requests the following relief:

A. Injunctive relief prohibiting Defendants from calling telephone numbers using an artificial or prerecorded voice and/or ATDS.

B. Because of Defendants' violations of the TCPA, Plaintiff seeks for himself \$500 in damages for each violation or—where such regulations were willfully or knowingly violated—up to \$1,500 per violation, pursuant to 47 U.S.C. § 227(b)(3).

C. Because of Defendants' violations of the TCPA, Plaintiff seeks for himself \$500 in damages for each violation or—where such regulations were willfully or knowingly violated—up to \$1,500 per violation, pursuant to 47 U.S.C. § 227(c)(3).

D. Because of Defendants' violations of the FTSA, Plaintiff seeks for himself \$500 in damages for each violation or—where such regulations were willfully or knowingly violated—up to \$1,500 per violation, pursuant to Fla. Stat. § 501.059.

E. Such other relief as the Court deems just and proper.

1 RESPECTFULLY SUBMITTED on this March 23, 2025.

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4 Jason Crews
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